

Education & Practice

Published by the Virginia State Bar — SECTION on EDUCATION of LAWYERS — for Practitioners, Judges, and Law Teachers

A Tribute to Chief Justice Leroy Hassell

Editor’s Note: Virginia Supreme Court Justice Leroy Rountree Hassell Sr., the state’s first African American chief justice, passed away Wednesday, February 9, 2011. Governor McDonnell released the following statement:

It is with great sadness that we learn of the passing of the Honorable Leroy Hassell, a personal friend who will be greatly missed. I recall fondly our numerous private lunches in which we would discuss law and life. He had keen insights into the human spirit. Virginia has lost a brilliant legal mind, accomplished jurist and devoted public servant. Leroy had an unmatched passion and excitement for the rule of law. Growing up in Norfolk, a son of two educators, Leroy had an innate drive, telling his peers as an undergraduate at the University of Virginia, that he would attend law school at Harvard University, which he did. He later would become partner at one of Virginia’s largest law firms in just seven years. But even greater, it was because of this passion and excitement that he was sworn in as a Justice to the Virginia Supreme Court at just 34 years old, one of the youngest justices in the history of the court, and in 2002, he became the first African American Chief Justice on the court, a monumental achievement for Virginia and him. Leroy never shied from standing his ground on principal in the court, making his concerns known in an effort to improve the judicial system. He was a man of great faith who dedicated his life to bettering others and providing legal care for the indigent. Leroy was instrumental in the creation of the Mental Health Reform Commission, which helped lead to important changes to the way in which Virginia addressed the needs of the mentally ill. On behalf of all Virginians, I offer my deepest sympathies to his family and his many, many friends during this tough time.”

This issue of Education and Practice is dedicated to the life and work of the late Chief Justice. What follows are tributes from friends, colleagues and former law clerks.

Leroy Hassell the Teacher

By Jeffrey A. Brauch — Dean, Regent University School of Law

The Commonwealth suffered a great loss on February 9 when Chief Justice Leroy Hassell Sr. passed away. Justice Hassell was a strong and gifted leader, a thoughtful man, and a principled justice.

Justice Hassell was a man of great accomplishment. He graduated from Harvard Law School and the University of Virginia (where he was chosen to live on the Lawn). He quickly became a partner and leader at McGuireWoods in Richmond. He

was the youngest-ever chairman of the Richmond School Board. He began serving on the Virginia Supreme Court at age 34. He was the first justice to be selected chief justice by his colleagues and was the first African-American chief justice in state history.

All who worked with or observed Justice Hassell will remember him as the consummate chief justice and community leader.

I, too, will remember Justice

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Chair's Column

Professor

*A. Benjamin Spencer
Washington and Lee
School of Law*

It will only be through a comprehensive approach that any real improvement in the education of lawyers will occur.

We are all saddened by the loss of former Chief Justice Leroy Hassell. He was an inspiration to many, demonstrating that with hard work and a commitment to excellence there is no limit to what one can achieve in his or her professional life. He will be dearly missed. This issue of our Section's newsletter is dedicated to his memory and contains several touching remembrances.

I know that Justice Hassell was committed to improving the legal profession in the Commonwealth, and improving legal education is certainly a critical element of any such effort.

The Section remains committed to thinking broadly about the education of lawyers as including multiple stages: prelaw, law school, bar admissions, and continuing legal education during practice. Making real advances in improving the education of lawyers requires careful attention to each stage. Thus, while there has been much focus on education during law school—a focus that we will continue as we discuss curricular reform over the next year—we should not neglect the role that the other stages play in preparing lawyers who are ready for practice.

The prelaw phase is significant not only for its role in giving students the tools they need to be successful in law school, but also because it is the time when students make decisions about whether and where to attend law school. To the extent that these decisions are uninformed or ill-informed, students may make poor decisions about whether law school is the right choice for them and if so, which law school would be best suited to their interests and abilities. Getting more students to make better decisions about attending law school and becoming adequately prepared for the endeavor is vital to seeing improvements in student learning and performance during law school.

The bar admissions phase is enormously important for several reasons. Most obviously, the bar exam is the tool we use to screen prospective lawyers based on their knowledge of Virginia law. However, as there continue to be widespread reports that new lawyers are not sufficiently prepared for practice—notwithstanding their passage of the bar—we must take seriously the possibility that the bar exam, as currently constituted, may insufficiently assess practice readiness. But this does not have to be. Many other jurisdictions have explored ways to enhance the bar admissions process—both within and supplemental to the exam—to do a better job in this regard. Virginia lawyers should not be afraid to embrace the need to refine and modernize this process so that lawyers who successfully traverse it can truly be labeled as prepared for practice.

Finally, in Virginia we pride ourselves in having a mandatory continuing legal education requirement as a means of maintaining the quality of the practicing bar. However, improvements can certainly be made in this area as

well, such as through the development of topical clusters of progressive courses that can help new lawyers in their respective fields, or the offering of courses that depart from the traditional lecture-followed-by-questions pedagogical approach toward more engaging practice simulations.

Ultimately, the point is that we as members of the bar must give serious attention to all of these areas if we truly care about enhancing the quality of our profession in Virginia. Our Section is currently focused on the areas of prelaw and education during law school, but it is my hope that going forward we can take up the challenge of thinking about the need for reform in the bar admissions process and the continuing legal education system. It will only be through a comprehensive approach that any real improvement in the education of lawyers will occur. ✧

Leroy Hassell the Teacher...

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Leroy Hassell the teacher.

For over fifteen years, Justice Hassell served as Jurist-in-Residence at Regent University School of Law. He spent a week on campus each spring with students and faculty teaching in many settings. He taught classes, met with students individually and in groups over meals, provided counsel and advice, mooted competition teams, among a host of other things. In the last three years he visited the school one day per month in addition to his week-long visit. During those visits he met with student leaders, faculty and staff, and gave a series of presentations on career preparation—from clerkship opportunities to displaying professionalism and civility in the practice of law.

Obviously, it was a tremendous honor to have the chief justice of Virginia on our campus so often. His mere presence provided great encouragement and benefit to us as a school. Justice Hassell did not invest this time with us to give us a public relations boost, however. He came because he wanted to help train the next generation of lawyers. He was all about students. He loved them. He believed in them. And he wanted to help them become lawyers of excellence and integrity.

Justice Hassell was above all a teacher. That was evident from the amount of time he spent with students. Each year, Natt Gantt, our Associate Dean for Student Affairs, would ask Justice Hassell how he wanted to spend his time on campus. Each year, Justice Hassell would ask for a (seemingly) crazy number of hours of student time—in class and out. Here is his schedule from two years ago: guest lectures in 12 classes (over 15 hours of in-class time); meetings with seven student groups; four meetings with faculty members or administrators; one presentation at the university chapel service. Justice Hassell worked much harder than I or any other faculty member. It wasn't even close! He arrived with a gigantic binder of cases and notes he had prepared in the weeks leading up to the visit and got to work.

During his time with students, Justice Hassell emphasized certain topics that clearly mattered deeply to him: excellence, professionalism, and setting proper life priorities. These topics appeared again and again as themes in his formal and informal talks.

Justice Hassell refused to accept mediocrity—or to let students accept mediocrity—in any area. He especially insisted that students learn to write with excellence. He discussed writing often and regularly offered to work one-

on-one with students on their writing skills.

Justice Hassell knew, though, that students need more than a commitment to excellence to be great lawyers. They also need integrity and professionalism. He strongly emphasized these qualities, too. One of the last events major events we enjoyed with Justice Hassell was a professionalism ceremony for our first year students in which he gave the keynote address. Students recounted what an inspiring moment that was.

Finally, Justice Hassell frequently shared with students the need to set proper priorities in their lives and careers. These priorities were those that Justice Hassell established for himself: faith, family, and service to others. He talked about these priorities. More important, he lived them.

Yes, he lived them. Something critical would be missing if I ended this short retrospective without a few words about Justice Hassell's life. A generation of Regent Law students learned a tremendous amount from Justice Hassell's words of counsel and wisdom. I am certain, however, that they learned much more from something else—his character.

Justice Hassell was a man of tremendous character. The priorities he laid out for students were the priorities in his own life. Despite all of his accomplishments, he was a humble man who loved God deeply. He sought to honor God in everything he did, whether personally or professionally. He loved his family deeply, too. Most often my personal talks with Justice Hassell had nothing to do with policy developments in Virginia or complex legal issues. They were about our families. We talked college decisions, track times, or soccer scores. Justice Hassell was committed to serving others, too. Many people knew that Justice Hassell had been a law firm partner and school board chairman; far fewer knew that he was a hospice volunteer. This is the man that I and our students were privileged to know.

Regent Law is dedicated to training leaders. I am so thankful that Justice Leroy Hassell was a vital part of that training. Yes, through his words. But especially through his character. We miss him deeply. ✧

Former Law Clerks Pay Tribute to Justice Leroy R. Hassell

*By Steve McCullough, Senior Appellate Counsel,
Office of the Attorney General*

*Robin Kurz, Special Counsel, Health, Education and Social Service Section,
Office of the Attorney General*

*Crystal Twitty, Associate System Counsel,
Virginia Community College System*

Following the untimely death of Justice Leroy R. Hassell, Sr., many tributes from distinguished leaders of the bar and from the political world have highlighted his tremendous accomplishments. His background is well known. He distinguished himself as a high school student, particularly for his debating skills, and he followed that success as a student leader at the University of Virginia. Following his graduation from Harvard Law School, he thrived in private practice at the prestigious law firm of McGuire, Woods. His elevation to the court at the age of 34 was just one more landmark achievement in a career that culminated in his service as Virginia's first African-American Chief Justice. He certainly left an indelible mark on the Virginia judiciary and on the law. Rather than dwelling on the details of these well-known achievements, however, the authors offer a more personal reminiscence and celebration of his life, from the perspective of three former law clerks.

Beginning a clerkship can be intimidating for a freshly graduated law student. The majesty of the courtroom, the importance of the cases, even the very title "Justice," inspires awe. One of the first things that became immediately apparent to those around Justice Hassell was his disarming good humor, which immediately put those around him at ease. He frequently engaged in banter with his clerks and the other Justices, and rank did not matter to

him. He extended the same warmth to persons of all walks of life. On occasion, he would break the tension during an argument with a humorous aside. For instance, during a writ panel, he interrupted a lawyer who was vigorously arguing his case and told him "if you do not utter another word, I will grant your petition for appeal." The lawyer folded up his papers, and quietly shuffled out of the room. To note another example, Justice Hassell's last name was frequently mispronounced and he would often correct attorneys by stating, "my mom never called me that." The courtroom gallery would quietly chuckle, all the while acknowledging Justice Hassell's respectful, but humorous tone.

His law clerks remember most his broad smile, chuckle, warm teasing, and the ever-present twinkle in his eye. Although he had exacting standards for clerks' work, he would impulsively offer small kindnesses, such as popping in with a clerk's favorite candy bar or arranging an impromptu office lunch. Justice Hassell also shared the joy of birthdays and would often call his clerks into his chambers surprising them with a humorous card and birthday cake. It was in those moments that his clerks really cherished his warmth and personal attention to their well-being. With such ease, Justice Hassell served as an wonderful mentor to his clerks, providing career advice and keeping in touch in the following

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CONTRIBUTIONS

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School of Law**
Charlottesville

**Washington & Lee
University School of Law**
Lexington

**William & Mary
School of Law**
Williamsburg

years, sometimes calling or sending e-mails out of the blue to say hello.

Another immediately apparent characteristic was his outstanding work ethic. Modern caseloads are unforgiving. Setting precedent for the entire Commonwealth is a daunting task. He tackled - that is the appropriate word - his cases with a tireless zeal. Law clerk memoranda were returned heavily (but helpfully) edited. A stern grammarian, as one would expect from the child of educators, Justice Hassell expected his law clerks to adhere his exacting standards. One of the tasks his law clerks had to perform was to pull every single case cited in the briefs. To save paper, once copied, the case was filed away to be retrieved later, with the benefit of his notes in the margins. He asked frequent questions of his clerks about the cases cited in the briefs, the record, and the oral arguments. He drafted all of the opinions himself, then turned them over to the law clerk with the expectation that they would be edited with the same ferocity with which he edited their work. One law clerk vividly recalls the first time being asked to edit an opinion and upon returning her comments to Justice Hassell, he jokingly remarked, "It's okay to actually edit it. I value your

opinion." Also, while serving as the Chief Justice he frequently traveled throughout the Commonwealth for numerous speaking occasions. In preparation, he would without fail ask his law clerks to visit the Library of Virginia to check-out books on each county or city he was scheduled to visit, in an effort to fully understand the historical context. The prodigious energy with which he managed his heavy workload, his involvement with the community and his church left his younger law clerks envious.

Many lawyers are quite familiar with Justice Hassell's frequent exhortation for new lawyers to serve those in need. This commitment was not just spoken, it was lived. In spite of his workload, he always made time in his schedule to reach out to the surrounding community and his native community of Norfolk, Virginia. He customarily took his clerks to inner city schools where he spoke about the importance of education and school. After a speaking engagement in the Hampton Roads area, one law clerk recalls making a detour to Justice Hassell's former elementary school, in which he briefly visited with the students and shared encouraging words. He frequently welcomed elementary and high school students

into the courtroom, seated a few on the bench, and asked them to decide different fact patterns. He also regularly volunteered to help hospice patients. He served as the embodiment of the scriptural injunction to whom much is given, much will be asked in return.

Governor Gerald Baliles described Justice Hassell as having "wide-ranging intellectual curiosity and an extraordinary amount of energy." His law clerks observed that first hand. He enlisted one law clerk to teach him French, another to improve his weight-lifting routines and once, after admiring Justice Whiting's needlepoint work, promptly bought materials to start his own project. He enjoyed playing musical instruments, including the piano and the French horn.

His family was very important to him, and always found time for his wife and children, despite his extraordinarily busy schedule. His granddaughter was a source of pride and joy to him.

His untimely departure leaves a void that cannot be filled. For those of us who were privileged to work with him and to appear before him, there remain the fond memories and the inspiring example of an outstanding Virginian. ✧

VSB Education Section Established Committee to Study Law School Curriculum and Core Competencies

In an effort to help focus upon the changing needs of law practice, the Education Section Board of Governors has established a committee to study and report on law school curricula and core competencies that graduating students and new lawyers should have upon entering the profession. The committee is chaired by the Hon. B. Waugh Crigler with Prof. Margaret Bacigal as vice-chair. Its members are Deans Davison Douglas (W&M), John Douglass (UR), and Matthew Staver (Liberty), the Hon. Walter Felton (Chief Judge Virginia Court of Appeals), Profs. Ben Madison (Regent) and Mary Natkin (W&L),

and practitioners Alan Goldberg, Sharon Pandak, Anita Poston, Jeffery Summers and Wilson Vellines.

The committee commences its work in January and will endeavor to solicit input from the academy, the bar and the bench in order to develop a list of core competencies in order of priority together with an explanation of why each is pertinent to the various areas or specialties of legal practice. It is the Committee's goal to produce a report in time for the Section-sponsored Law School Conclave scheduled for 2012. ✧

**The Remarks
Of
The Honorable Gerald L. Baliles
Former Governor of Virginia
Director of the Miller Center of Public Affairs
at the
Presentation of the VBA Distinguished Public Service Award
to
Chief Justice Leroy Hassell
Virginia Bar Association Winter Meeting
Williamsburg, Virginia
January 21, 2011**

Chief Justice Hassell, Chief Justice-designate Kinser, Distinguished Guests, Ladies and Gentlemen,

For 21 years, Justice – and subsequently Chief Justice -- Leroy Hassell has brought energy, insight and determination to the Supreme Court of Virginia, whether he was focusing on the administration of the state's court system, his advocacy before the General Assembly on behalf of the judiciary, or in his judicial opinions.

As the Chief steps down at the end of this month, he will continue to serve on the bench that he joined 21 years ago at the ripe old age of 34. Already the honors are pouring in as his significant accomplishments as Chief Justice are being recognized and applauded.

The accolades point to his efforts to expand Virginia's legal pro bono services for the indigent, for his work to champion and preserve drug courts, for his annual seminars to provide continuing legal education for practitioners of indigent criminal defendants, his impressive efforts to improve mental health proceedings, his commitment to promote diversity in the composition of judicial committees and commissions, the reformation of the state's magistrate system, the improvement of the court's information technology systems, and development of programs to assess courthouse security around the Commonwealth.

In short, the Chief has been busy, and he has made justice more accessible.

But for those who knew and worked with him years ago, they're not surprised.

Even as a young lawyer, the Chief Justice was cutting a wide swath in Richmond – his wide-ranging practice impressed his colleagues and friends; his civic service was extensive; his chairmanship of the Richmond City School Board, for example, was notable.

So, in the waning days of my administration, charged with the duty to fill a vacancy on our Supreme Court, I thought, by any measure, that Mr. Hassell possessed the attributes of a good jurist. He works hard; he possesses integrity; he is open-minded, disciplined and fair. I was also impressed with his capacity for dealing with complex questions of policy and administration and with the fact that at his age he could serve for a long time.

Years later, when Justice Hassell became Chief Justice, he stated that he intended to pursue two themes that he hoped would mark his tenure as Chief: providing universal access to legal services, and preserving judicial independence. In my judgment, he has done just that; he has kept the faith.

That last point – judicial independence - is particularly important to all of us in the legal profession, especially in this time of budget cuts and unfilled judicial vacancies.

I have only the highest respect for the dedication and commitment that judges bring to the bench. Their role as arbiters of justice is clearly not getting any easier or safer, as we saw in Tucson earlier this month. The cases are more complex and diverse, the responsibilities more burdensome and difficult.

We are a litigious society. We expect our courts to resolve disputes of exhausting variety and technical sophistication.

I leave it to others to comment on the occasions of our changing judicial process over time, but I will assert that, at the very least, we must seek and secure the most highly qualified people to keep the judicial process working effectively and efficiently.

Fortunately, we have found good people in Virginia to match the challenges of the process, and a good example

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of that is the Chief Justice whom we honor tonight, and his distinguished successor, Justice Kinser, who will become Chief Justice in just a few days.

Let me note in presenting this award in recognition of distinguished public service some fundamental truths.

Under our constitutional form of government the judiciary is a separate, less visible, but co-equal branch of government.

While the executive branch may propose, the legislative branch disposes, and the judicial branch interprets.

And, while the executive and

legislative branches are inherently political, the judiciary must remain independent of political pressure or lose its integrity and public trust.

It is the responsibility of the legal profession – and especially this Virginia Bar Association -- to “preserve, protect and defend” the judicial system from political interference in order that our form of government may endure.

I admire Chief Justice Hassell’s advocacy before the other two branches of government for the proposition that the judicial branch is not just another state agency, but an equal and

coordinate branch of government and must be respected as such.

It is the Bar’s duty to continue to offer judicial candidates with the qualities of the individual we recognize and honor tonight, who, with alert and constant vigilance, will keep alive the highest principles of justice.

It is my pleasure to join my friend Steve Busch, President of the Virginia Bar Association, in presenting this Distinguished Public Service Award to the Honorable Leroy Hassell, Chief Justice of the Supreme Court of Virginia.

Long live the Chief! ✧

Proposed changes to the ABA Standards and Rules of Procedure for Approval of Law Schools

By Davison Douglas — Dean, William and Mary Law School

Introduction

The Section on Legal Education of the American Bar Association is currently considering several significant changes to the ABA Standards and Rules of Procedure for Approval of Law Schools. A periodic comprehensive review of the Section’s Standards and accreditation policies with respect to law schools is required by the United States Department of Education. The current full review of the ABA Standards for law schools was launched in 2008.

Although the ABA is considering a range of changes in the standards that govern legal education, I will focus on just a few of the proposed changes that might be of particular interest to members of the Virginia State Bar: (1) using outcome measures, in addition to measuring inputs, in evaluating a law school’s performance; (2) dispensing with the requirement that full-time faculty have tenure; (3) requiring law schools to provide additional information about the employment status of their graduates; and (4) allowing law schools to dispense with the LSAT test as a requirement for admission.

I. Outcome Measures in Addition to Input Measures

To date, the ABA Standards have focused on required *inputs* for law schools, such as writing experiences, clinical or other experiential learning experiences, and required instruction in ethics and professionalism. This focus is at odds with the growing emphasis in other disciplines on *output measures*, such as assessments of the extent to

which students can demonstrate the knowledge and skills that law school is designed to impart. In the words of the ABA committee charged with reviewing and making recommendations of proposed standards:

“Recognizing the student learning is about more than good teaching, virtually all other agencies that provide accreditation to professional schools put more emphasis on student learning outcomes than the ABA does. Other agencies focus on learning outcomes related to knowledge, skills and values. The proposed standards, though more still more modest in scope than most other agencies, move the ABA accreditation process to a greater emphasis on student learning.” An entirely new proposed standard, entitled “Learning Outcomes,” would require law schools to “identify, define, and disseminate each of the learning outcomes it seeks for its graduating students and for its program of legal education.” Although affording schools wide latitude, these outcomes must include:

- knowledge and understanding of substantive law, legal theory, and legal procedures
- professional skills like legal analysis, legal research, and legal writing
- knowledge and understanding of ethical and professional responsibilities

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The bottom line output is that law students must be prepared to become “entry level practitioners in the legal profession.” The new proposed Standards, if adopted, would require law schools to engage in two types of assessments to determine if they are “outputting” students with the requisite skills. First, law schools would have to employ “formative” assessments that provide feedback during a course to help students identify their weaknesses and suggestions on how to remedy them. Second, law schools would have to employ “summative” assessments — measurements of how much a student learned at the conclusion of a course or over a longer horizon. These assessments may be either qualitative or quantitative, and there are no specific requirements. Rather, the new Standards list a broad range of possible assessments, e.g. evaluation of students’ work products; students’ evaluation of the efficacy of their legal education; bar passage rates; placement rates; surveys of judges, firms and other employers requesting assessment of the school’s graduates. If this change is adopted, the Standards Committee would recommend a fairly lengthy period of time to permit compliance by law schools.

II. Changes Regarding the Tenure Requirement

The current ABA Standards require law schools to have an “established and announced policy with respect to academic freedom and tenure.” This is generally understood to require law schools to confer tenure on full-time faculty members (or terminate their employment after 7 years). The proposed revision to the Standards would instead state that “[a] law school shall afford all full-time faculty a form of security of position sufficient to ensure academic freedom and meaningful participation in law school governance.”

Tenure is the ultimate form of security of position. The proposed

revision would permit law schools to provide less security. Among other alternatives, the interpretations appended to the proposed standard suggest that either (i) “a program of renewable long-term contracts that are at least five years in duration and either presumptively renewable or nonrenewable only for good cause after a probationary period,” or (ii) “programmatically tenure,” which means, roughly, that a faculty member has security of position as long as the program in which they teach exists. If the college or university abolishes the program in which a faculty member teaches, those with “regular” tenure must be offered the opportunity to move to another school or department. It has no such obligation to those with programmatic tenure.

Generally speaking, those in favor of this change emphasize that administrators need greater flexibility in hiring and retaining faculty. Those opposed to the change regard traditional tenure as a critical bulwark against administrative and political attacks on faculty members with controversial or unpopular views. Proponents suggest that a written policy on academic freedom, along with procedures to guard against infringements on it, can provide sufficient protection against inappropriate efforts to target faculty members based on their beliefs, methodologies, or other aspects of their academic world view. The appended interpretations suggest that procedural safeguards “should include procedures that prohibit the non-renewal, denial of promotion, or loss of a faculty position unless a representative group of faculty determines that the decision does not implicate academic freedom.”

III. Adequacy of Certain Consumer Information

In recent months, much concern has been expressed about the clarity and adequacy of public information about employment outcomes for

graduates of law school. This issue is made more complex by the fact that there are multiple sources of published data about employment outcomes for law students: the National Association of Legal Placement, the American Bar Association, and U.S. News and World Report. All of this information is based on self-reported information provided by law students and law school graduates. Currently, law schools are obliged to publish “placement rates” and “basic consumer information.” According to a committee charged with reviewing the standards: “Not surprisingly, with such a vague standard, schools’ practices vary widely. Some schools provide detailed information; others provide a bare minimum.”

According to the new ABA proposal, data about the employment status of students nine months after graduation would include the percentage of students in law school-funded jobs, the percentage of students in jobs that require bar passage, and the percentage of students who hold non-legal jobs. Law schools would also be obliged to disclose how many students have part-time and full-time jobs.

IV. Requirement of a Valid and Reliable Entrance Examination

The ABA Standards currently require all law school applicants to have a score on a valid and reliable entrance examination. For all law schools, this entrance examination has been the LSAT test. One proposed standard would remove the entrance exam requirement, giving law schools greater flexibility in designing their admission strategies.

These and other proposed changes to the ABA standards have provoked lively debate among lawyers and legal educators. The final outcome of these proposed changes remains uncertain. ✧

Faculty News

Washington & Lee

- ◆ **W&L Law Prof. Erik Luna Elected to American Law Institute:** Erik Luna, Professor of Law and Law Alumni Faculty Fellow at Washington and Lee University School of Law, has been elected to the American Law Institute, the most prestigious law reform body in the U.S.

University of Virginia

- ◆ **Duffy to Join Law School, Strengthen IP Faculty:** Influential intellectual property law scholar John Duffy will join the University of Virginia law faculty in the fall, expanding the school's notable roster of IP law experts.
- ◆ **Martin Returns to Classroom from Homeland Security Post:** Professor David Martin is back at the University of Virginia School of Law after two years as deputy general counsel at the Department of Homeland Security.
- ◆ **Ryan Wins State Outstanding Faculty Award:** Law School Professor James Ryan was recently awarded an Outstanding Faculty Award by the State Council of Higher Education for Virginia.
- ◆ **Garrett's Book Explores Reasons Behind Wrongful Convictions:** False confessions, invalid forensic analysis, eyewitness misidentifications and other systemic flaws in the criminal justice system contributed to the wrongful conviction of the first 250 people exonerated by DNA tests, Professor Brandon Garrett writes in "Convicting the Innocent: Where Criminal Prosecutions Go Wrong," a book published this spring by Harvard University Press.
- ◆ **Laycock to Argue Religious Freedom Case Before Supreme Court:** Professor Douglas Laycock will represent a religious school before the U.S. Supreme Court in a First Amendment case scheduled for the October 2011 term.

Appalachian

- ◆ **Professor launches radio show on Constitution:** ASL professor Stewart Harris has created a radio program on the U.S. Constitution that airs each week on East Tennessee State University's public radio station.

William and Mary

- ◆ **Professor Allison Orr Larsen** discussed the constitutionality of Health Care Reform in a video now available on YouTube. Larsen, a former Supreme Court law clerk who joined the faculty in 2010, is a nationally recognized expert on constitutional issues.

- ◆ **Christie S. Warren**, Professor of the Practice of International and Comparative Law, returned to William & Mary Law School after spending a year assisting the United Nations in mediating peace processes in Darfur, Kyrgyzstan, and Somalia, among other places. Warren is the founding director of the Program in Comparative Legal Studies and Post-Conflict Peacebuilding, a program designed to bridge the gap between resources available at academic institutions and the need for them in the field.
- ◆ **Laura A. Heymann** was conferred tenure at the College of William & Mary and was promoted to Professor of Law.
- ◆ **Professor Angela M. Banks** was promoted to Associate Professor of Law.
- ◆ **Professor Jayne Barnard** was the 2011 recipient of the Thomas Jefferson Award, among the most prestigious awards given at William & Mary. She is only the third law professor to receive the award in the past 30 years and the sixth overall since its establishment in 1963.

University of Richmond

- ◆ **Albert Lopez** will join the Law School this July as Professor of Law with tenure. Professor Lopez graduated cum laude from the University of Indiana School of Law, Indianapolis, and is a member of the Indiana Bar. Professor Lopez received a Masters (J.M.S.) and Doctorate (J.S.D.) of the Science of Law from Stanford Law School.
- ◆ **Julie McConnell** will join the Law School as Assistant Clinical Professor of Law and Director of our Delinquency Clinic. A cum laude graduate of the University of Richmond School of Law in 1999, McConnell has been practicing criminal law in the Richmond area ever since and is currently a supervisor in the Richmond Commonwealth's Attorney's Office.
- ◆ **Professor Kevin C. Walsh** filed an amicus curiae brief arguing that Virginia's challenge to the individual mandate in the federal healthcare reform legislation should be dismissed for lack of jurisdiction. Virginia's lawsuit is currently pending in the United States Court of Appeals for the Fourth Circuit.

George Mason

- ◆ **Visiting Assistant Professor Brian Sawyer** comes to George Mason from Arizona State University's Sandra Day O'Connor College of Law where he held a position as one of the college's first O'Connor Fellows. He earned his J.D. from Harvard Law School and graduated *summa cum laude* with a degree in Economics from Duke University.
- ◆ **Jay Kelly Wright** is a Senior Lecturer in Law at George Mason University School of Law. After service as a law clerk to Judge Harold Leventhal, U.S. Court of Appeals for the District of Columbia Circuit, and Supreme Court Justice William O. Douglas, Mr. Wright has been in private law practice for over 35 years. ◆

News and Events Around the Commonwealth

Regent

- ◆ **Regent Alumni Take Bench:** Relying on their years of education and experience as trial attorneys, three Regent University School of Law alumni recently ascended to the bench in North Carolina and Florida. Matt Osman '01 (Mecklenburg County District Court in North Carolina), Kristina Earwood '03 (the 30th District Court, North Carolina) and Scott DuPont '04 (Seventh Judicial Circuit of Florida) each won judicial elections in their districts in November.
- ◆ **Regent Law Announces New Hispanic Law Student Association:** Regent Law is proud to announce its newest student organization: the Hispanic Law Student Association (HLSA). HLSA's mission is to "foster ethnic diversity and awareness within our law school community as well as to actively serve and maintain awareness of legal issues within the global Hispanic community."
- ◆ **Regent Law's Strasbourg, France Summer Program Receives High Marks:** This past year, Regent University School of Law's Summer Program in Strasbourg, France was reaccredited with outstanding grades. The American Bar Association, which accredits the program, made an evaluation visit this summer and gave the classes a score of 4.8 on a 5 point scale for quality of teaching.
- ◆ **BLSA Symposium: Changing the Horizon – Fairness in Sentencing:** In observation of Black History Month, Regent's Black Law Students Association (BLSA) hosted its first ever symposium. The Saturday, February 19th event focused on "Changing the Horizon – Fairness in Sentencing."

University of Virginia

- ◆ **Alternative Spring Break Participants Provide Legal Services From D.C. to Mississippi:** More than 50 Law School students provided legal services to the needy or volunteered for the government at seven sites across the country in March as part of the Public Interest Law Association's third annual alternative spring break program.

- ◆ **International Human Rights Clinic Students Research Women's Rights in Iraq:** Students in the International Human Rights Clinic recently helped develop an extensive report examining Iraqi law and how it relates to women's rights.
- ◆ **Grant Will Fund Law School's Pro Bono Partnership to Provide Legal Services to Working Poor:** The University of Virginia School of Law recently received a \$150,000 grant from the Jessie Ball duPont Fund to develop a partnership that will help meet the growing legal needs of low-income Central Virginia residents.

George Mason

- ◆ **Legal Clinic - Supreme Court Clinic:** The Supreme Court Clinic, offered in partnership with Wiley Rein LLP, a Washington, D.C., law firm, provides *pro bono* legal representation before the United States Supreme Court. The year-long clinic provides George Mason law students with the opportunity to work closely with Wiley Rein attorneys to identify cases of interest, research legal issues, and draft Supreme Court briefs on behalf of parties and *amici* at both the *certiorari* and merits stages.

William and Mary

- ◆ On March 24, **Professor Jason Solomon** delivered the 2011 Blackstone Lecture, titled, "Tort Law, Social Equality, and the Right to Recourse." The Blackstone Lecture Series was established in 1996 to recognize the scholarly achievements of younger members of the William & Mary Law School faculty.
- ◆ **Former Deputy Attorney General James B. Comey, Jr.,** a 1982 graduate of the College of William & Mary, was honored by the Law School on March 14 as the 2010-11 Carter O. Lowance Fellow. The fellowship is one of the highest honors conferred by the Law School and the College in recognition of significant public service.
- ◆ **A team of William & Mary Law School** students won top prizes in the first Virginia Redistricting Competition. Winners were chosen from 15 teams participating in the contest to design alternatives to gerrymandered political districts in Virginia.
- ◆ On March 16, **Kenneth Feinberg** was awarded the 2010-11 Marshall-Wythe Medallion. Feinberg is currently overseeing the Gulf Coast Claims Facility, which is administering \$20 billion in claims from victims of the BP oil spill. The medallion is the highest honor conferred by the law faculty and recognizes members of the legal community who have demonstrated exceptional leadership and accomplishment.
- ◆ The **W&M Institute of Bill of Rights Law** will host the 2011-12 Supreme Court Preview Sept. 23-24. The Preview brings together distinguished guests for a day and a half to discuss and analyze the Court's upcoming term.
- ◆ **The 57th Tax Conference** will be Nov. 10-11. The William & Mary Tax Conference offers lawyers and accountants an in-depth look at current topics in tax law.

Washington & Lee

- ◆ **2011 Lewis F. Powell Jr. Lecture on the Good Lawyer:** The Ninth Annual Lewis F. Powell Jr. Lecture was delivered on April 12 by Robert A. Long, a partner at Covington & Burling LLP and former law clerk to U.S. Supreme Court Justice Lewis Powell. Mr. Long's talk is titled "The Good Lawyer in the 21st Century." The students at Washington and Lee University School of Law founded the Lewis Powell, Jr. Distinguished Lecture Series in 2002 in honor of Supreme Court Justice Lewis F. Powell, Jr. '29.
- ◆ **Islamic Law and Human Rights Topic of W&L Transnational Law Institute Lecture:** On Friday, April 8, Professor Abdullahi Ahmed An-Na'im, Charles Howard Candler Professor of Law at Emory Law School, delivered a lecture sponsored by the Washington and Lee University Transnational Law Institute. The title of Prof. An-Na'im's lecture was "Human Rights, Universality, and Sovereignty: The Relevance and Irrelevance of Islamic Law."
- ◆ **W&L Law Hosted Symposium on Race and the Criminal Justice System:** On Friday, March 18, the W&L Journal of Civil Rights and Social Justice hosted a symposium on race and criminal justice at Washington and Lee University School of Law. The keynote address was delivered by David Baugh, a capital defender with the Virginia Indigent Defense Commission. His speech is titled "Structured Disenfranchisement of African Americans by the Criminal Justice System."
- ◆ **Tomiko Brown-Nagin Lectured at W&L on Civil Rights Movement:** Tomiko Brown-Nagin, the Justice Thurgood Marshall Distinguished Professor of Law and Professor of History at the University of Virginia School of Law, presented a public lecture at Washington and Lee University School of Law on Wednesday, March 30. The title of Brown-Nagin's lecture was "Remembering Movement Lawyers and Rethinking Constitutional History from the Bottom Up." Her talk is based on selections from her book, *Courage to Dissent*, which is about lawyers, courts, and community-based activism during the Civil Rights Era.

Appalachian

- ◆ **Moot Court team continues winning streak:** ASL's Moot Court team racked up another successful showing at the Wechsler National Criminal Law Competition in Buffalo, N.Y., on April 2. Third-year Trey Martin was named Best Advocate, placing first out of 52 competitors.

University of Richmond

- ◆ **New Dean Appointed:** Wendy Collins Perdue, an associate dean and professor of law at Georgetown University Law Center, has been named the next dean of University of Richmond's School of Law, effective July 1, 2011. A prolific scholar of civil procedure and conflict of laws, as well as land use and public health, Perdue has served at Georgetown since 1982. Upon graduation from Duke Law School, Purdue clerked for Anthony M.

Kennedy, then a 9th U.S. Circuit Court of Appeals judge and now associate justice of the U.S. Supreme Court.

- ◆ **April 6** – A group of leading attorneys, business leaders, scholars, practitioners, and government officials came together on Wed., April 6 at the Jepson Alumni Center to address the state of the economy in the aftermath of the recent recession. The Law School's annual Allen Chair Symposium, "Emerging from the Great Recession: Perspectives on Law and Policy Implemented Along the Road to Economic Recovery," included a keynote address by the Hon. Timothy M. Kaine and talks by panelists included The Hon. Ric Brown, secretary of finance for the Commonwealth of Virginia, who addressed the policies of Virginia Gov. Bob McDonnell's administration. The event was hosted in the Jepson alumni center.
- ◆ **April 18** – Jim Rogers, Chairman of the Board, President and CEO OF Duke Energy, delivered a lecture on Mon., April 18 (at the invitation of Gov. Tim Kaine). The event took in the Robins School of Business auditorium and was co-sponsored by the Law School, Robins School and the Jepson School of Leadership Studies.
- ◆ **Commencement Speaker:** Former Richmond Judge and Children's Advocate, Ann Holton has accepted an invitation from the students at the University of Richmond School of Law to be the 2011 commencement speaker. ✧

**Register Online Now for the
73rd Annual Meeting
Virginia State Bar – June 16-19, 2011
Virginia Beach**

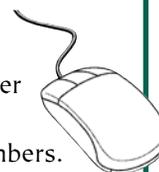
**Annual Section Business Meeting
Friday, June 17– 12:30 p.m.
Coral Room A – Cavalier Oceanfront Hotel**

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